

Message Text

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ACTION IO-14

INFO OCT-01 NEA-10 ISO-00 EUR-12 ARA-10 FEA-01 ERDA-07

AID-05 CEA-01 CIAE-00 COME-00 EPG-02 DODE-00

EB-07 FPC-01 H-02 INR-07 INT-05 L-03 NSAE-00

NSC-05 OMB-01 PM-04 USIA-15 OES-07 SP-02 SS-15

STR-04 TRSE-00 ACDA-10 PA-02 PRS-01 DLOS-09 /163 W

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FM USMISSION USUN NEW YORK

TO SECSTATE WASHDC 3824

INFO AMEMBASSY TRIPOLI

AMEMBASSY TUNIS

UNCLAS USUN 1722

E.O. 11652: N/A

TAGS: PFOR, TS, LY

SUBJECT: GOT LETTER TO PRESIDENT OF SECURITY COUNCIL

REF: TUNIS 10049

1. USUN RECEIVED MAY 31 COPY OF LETTER TO PRESIDENT OF SECURITY COUNCIL FROM TUNISIAN PERM REP MESTIRI. LETTER WAS DATED MAY 27 WITH COVERING NOTE FROM SECURITY COUNCIL PRESIDENT DATED MAY 28. PRESIDENT CIRCULATED THIS TO COUNCIL MEMBERS FOR THEIR INFORMATION.

2. QUOTE

SIR,

ON INSTRUCTIONS FROM MY GOVERNMENT, I HAVE THE HONOUR TO INFORM YOU OF THE FOLLOWING:

THIS DISPUTE BETWEEN TUNISIA AND LIBYA CONCERNING THE DELIMINATION OF THE CONTINENTAL SHELF BETWEEN THE TWO COUNTRIES HAS LASTED

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SINCE 1968 AND HAS YET TO BE RESOLVED. SINCE THAT DATE, THE TWO GOVERNMENTS HAVE HELD NUMEROUS TALKS AND A SERIES OF OFFICIAL NEGOTIATIONS CONCERNING THIS PROBLEM AT THE LEVEL OF HEADS OF STATE AND ALSO AT THE MINISTERIAL AND EXPERT LEVELS. BEING UNABLE TO ARRIVE AT A BILATERAL AGREEMENT, THE TWO GOVERNMENTS AGREED, IN A JOINT DECLARATION SIGNED AT TUNIS ON 24 AUGUST 1976 BY

THE LIBYAN MINISTER OF STATE FOR THE COMMAND COUNCIL OF THE REVOLUTION AND THE TUNISIAN MINISTER OF THE INTERIOR, TO SUBMIT THE DISPUTE TO THE INTERNATIONAL COURT OF JUSTICE. FOLLOWING IS THE TEXT OF THE DECLARATION:

"WITH A VIEW OF STRENGTHENING THE TIES OF GOOD-NEIGHBOURLINESS AND CLOSE CO-OPERATION BETWEEN THE TWO FRANTERIAL COUNTRIES, THE TUNISIAN AND LIBYAN GOVERNMENTS HAVE DECIDED TO SUBMIT THE PROBLEM OF THE DELIMITATION OF THE CONTINENTAL SHELF BETWEEN TUNISIA AND LIBYA TO THE INTERNATIONAL COURT OF JUSTICE AND TO ACCEPT THE COURT'S JUDGEMENT IN THIS MATTER.

"IN THE MEANTIME, CONSULTATIONS, BETWEEN THE TWO PARTIES WILL CONTINUE WITH A VIEW TO FINDING A PROVISIONAL FORMULA FOR JOINT EXPLOITATION OF THE AREA OF THE CONTINENTAL SHELF WHICH IS TO BE DELIMITED; THIS EXPLOITATION WILL TAKE PLACE WITHIN A FRAMEWORK WHOSE GUIDING LINES WILL BE ESTABLISHED BY AGREEMENT BETWEEN THE TWO PARTIES, WHICH ALSO UNDERTAKE TO IMPLEMENT THE DECISION OF THE INTERNATIONAL COURT OF JUSTICE AT THE HAGUE AS SOON AS IT IS RENDERED."

HIS EXCELLENCY AMBASSADOR THOMAS S. BOYA
PRESIDENT OF THE SECURITY COUNCIL

WHILE TALKS WERE STILL UNDER WAY FOR THE PURPOSE OF BRINGING THE MATTER BEFORE THE INTERNATIONAL COURT OF JUSTICE, A DRILLING RIG BEARING THE NAME SCARABEO 4 WHICH BELONGED TO AN ITALIAN COMPANY UNCLASSIFIED

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AND WAS OPERATING ON BEHALF OF THE LIBYAN GOVERNMENT WAS PLACED IN AN AREA FORMING PART OF THE TUNISIAN CONTINENTAL SHELF.

ON THE CONCLUSION OF APPROPRIATE PROCEEDINGS THE ITALIAN COMPANY COMPLIED WITH THE ORDERS OF THE TUNISIAN AUTHORITIES AND, AFTER SUSPENDING OPERATIONS, FINALLY REMOVED ITS RIG FROM THE TUNISIAN CONTINENTAL SHELF. THE LIBYAN PARTY, HOWEVER, RESISTED THE EFFORTS OF THE TUNISIAN GOVERNMENT TO SECURE THE WITHDRAWAL OF THIS RIG BY PEACEFUL MEANS, TAKING AN INTRANSIGENT ATTITUDE AND RESORTING TO FORCE AND ARBITRARY ACTION.

DISCUSSIONS WERE RECENTLY HELD AT TRIPOLI BETWEEN THE LIBYAN HEAD OF STATE ON THE ONE HAND, AND, ON THE OTHER HAND, THE TUNISIAN MINISTER FOR FOREIGN AFFAIRS AND THE GENERAL SECRETARY OF THE UNION GENERALE DES TRAVAILLEURS TUNISIENS, A MEMBER OF THE POLITICAL BUREAU OF THE DESTOUR SOCIALIST PARTY, IN THE COURSE OF WHICH THE LIBYAN PRESIDENT GAVE THE OTHER SIDE HIS ASSURANCES THAT HIS GOV-

ERNMENT WAS PREPARED TO RESUME TALKS WITH THE TUNISIAN GOVERNMENT WITH A VIEW TO REACHING A SETTLEMENT OF THE DISPUTE ON THE DELIMINATION OF THE CONTINENTAL SHELF. DESPITE THESE ASSURANCES THE LIBYAN GOVERNMENT HAS JUST STATIONED A DRILLING VESSEL CALLED THE J.W. BATES ON THE FORMER SITE OF SCARABEO 4, WHICH IS FLYING THE PANAMANIAN FLAG AND BELONGS TO THE AMERICAN COMPANY READING AND BATES. THIS SHIP ENTERED THE AREA OF THE TUNISIAN CONTINENTAL SHELF THIS FRIDAY, 27 MAY 1977, ESCORTED BY THREE LIBYAN NAVAL UNITS, INCLUDING ONE SUBMARINE.

ONCE AGAIN THE TUNISIAN GOVERNMENT HAS BEEN CONFRONTED WITH A FAIT ACCOMPLI AND ITS EFFORTS TO ACHIEVE A PEACEFUL SOLUTION TO THE DISPUTE, IN KEEPING WITH INTERNATIONAL LAW, HAVE BEEN MET WITH A DELIBERATE ATTEMPT TO IMPOSE UNILATERAL AND UNLAWFUL DECISIONS BY FORCE. YOU MUST BE AWARE THAT THIS FURTHER UNLAWFUL OCCUPATION OF THE TUNISIAN CONTINENTAL SHELF IS AN EXTREMELY SERIOUS MATTER IN UNCLASSIFIED

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VIEW OF THE PRESENCE OF LIBYAN WARSHIPS ALONGSIDE THE DRILLING VESSEL. CONSEQUENTLY, AND IN ORDER THAT YOU MAY TAKE SUCH MEASURES AS YOU DEEM APPROPRIATE, THE TUNISIAN GOVERNMENT CONSIDERED IT A MATTER OF NECESSITY AND URGENCY OFFICIALLY TO CALL YOUR ATTENTION TO THE DANGEROUS TURN THIS SITUATION COULD TAKE AT ANY TIME, CONSTITUTING A DIRECT THREAT TO PEACE AND SECURITY IN OUR REGION.

ACCEPT, SIR, THE ASSURANCES OF MY HIGHEST CONSIDERATION.

(SIGNED) MAHMOUD MESTIRI
AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY
PERMANENT REPRESENTATIVE OF TUNISIA
TO THE UNITED NATIONS UNQUOTE
YOUNG

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